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GP 1647

CASE 4-20039C

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1647

NICO CERLETTI

Examiner: D. Romeo

APPLICATION NO: 09/813,271

FILED: MARCH 20, 2001

FOR: NEW PROCESS FOR THE PRODUCTION OF BIOLOGICALLY  
ACTIVE PROTEINAssistant Commissioner for Patents  
Washington, D.C. 20231RESPONSE TO RESTRICTION REQUIREMENT

Sir:

The Examiner has issued a restriction requirement dated December 16, 2002, response to which is due January 16, 2003. The action divides the claims of the case into a two-way restriction:

- I 19-25, drawn to a process for the production of TGF- $\beta$ 2, and
- II 19-25, drawn to a process for the production of TGF- $\beta$ 3.

Election is made with traversal, to the subject matter of Group I, claims 19-25, to a process for the production of TGF- $\beta$ 2, which is also the elected species. All claims are readable on this invention.

The restriction requirement is traversed. The Applicants respectfully disagree with the characterization of the Office that has divided the subject matter of the present application into the above-identified groups, and traverse the restriction requirement entered by the Office.

This case is a continuation of USSN 09/316,724, filed 5/21/1999, now abandoned. In the prosecution of that parent, Applicants had advanced the prosecution, but in the response to the Final Rejection in that case, the Examiner had not permitted the entrance of the claims which are pending in this case. However, the objection to the claims admissibility was not predicated on the presence of two inventions, but merely, that the revised claim language presented new issue necessitating an expanded search. Accordingly, Applicants filed the instant application with the